



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

CP 6

Prohibitions

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Updates to chapter

Listing by date:

Date: 2006-07-26

CP 6, Section 5.1 – This section is about

The reference to ENF 7 has been corrected to read section 9.4.

2006-03-03

CP 6, Section 4.2 – Non-approve these cases

The links contained in section 4.2 have been corrected.

2005-10-31

CP 6, Section 5 – Immigration and Security

This section has been updated to:

- include the CBSA in the procedures for communicating client information;
- reflect the GCMS terminology and procedures, and IRPA references;
- include a final procedural step when no response is received from either CIC immigration or the CBSA following an enquiry from a citizenship officer, i.e., citizenship processing will resume in 30 days if no response is received after the second enquiry;
- describe the division of responsibility between CIC immigration and the CBSA officers for writing A44 reports.

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1. Prohibitions and Clearances - Overview

This chapter provides the procedures used to process a criminal file.

1.1. This section is about

- criminal, residence, immigration and checks
- validity of clearances
- how to handle possible "hits"
- search forms and criminal problems after clearances
- young offenders
- questionable residence cases
- Section 29 investigations.

1.2. Authorities

Citizenship Act

Section 5(1)(f), Section 22
Section 5(2), Section 27
Section 9(1)(b), Section 28
Section 11(1), Section 29
Section 19, Section 30
Section 20, Section 31
Section 21

Citizenship Regulations

Section 11(1)(5)
Section 28

1.3. Background

Sections 20 and 22 of the Citizenship Act give the reasons an applicant:

- cannot be granted citizenship
- cannot take the oath.

Section 21 gives the periods of residence in Canada that do not count towards citizenship.

1.4. Clearance checks

These agencies check applicants for the following:

Agency	Type of applicant	Type of check
Royal Canadian Mounted Police (RCMP)	Adult applicants Minors 16 years old and older	Criminal
Canadian Security and Intelligence Service (CSIS)	Adult applicants Minors 16 years old and older	Security

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Citizenship and Immigration Canada Query Response Centre (QRC)	Adult applicants Minors 16 years old and older Minors under 16	Immigration
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1.5. Clearances valid for up to one year

Clearances are valid for up to one year. Citizenship managers can exercise discretion in certain cases to extend the date of validity for clearances. Clearances are not extended for applicants who have previous criminal records or who were previously under CSIS or immigration investigation.

Citizenship officials are responsible for asking CPC-Sydney for an update of clearances before the applicant takes the Oath.

1.6. When new clearance needed

Get new clearances when:

- an applicant changes his or her name, and/or date of birth, between filing an application and taking the oath and the new name or date of birth was not previously recorded in CRS;
- when clearances are more than one year old; and
- when information is received indicating a person has been charged or convicted of an offence.

1.7. Applicant cannot take oath

An applicant cannot take the oath or receive a certificate if he or she changes his or her name, and/or date of birth until you receive new clearances.

1.8. Return file to CPC-Sydney

Return the file, the certificate package, and supporting documents to CPC-Sydney.

Ask for new clearances using the applicant's new name and/or date of birth. Ask for a new certificate showing the changes.

1.9. Urgent clearances

There are occasions when an application will need to be processed urgently. Clearances are provided on an urgent basis by the agencies (RCMP, CSIS, Immigration) for exceptional cases only. See Chapter 13, Section 8, Policy on urgent application cases. Refer all requests for urgent clearances to CPC-Sydney. Requests for urgent clearances are routed through Case Management Branch.

2. Criminal Records

2.1. This section is about

- prohibition because of criminal record
- the procedure for handling criminal prohibition cases.

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Applications received with criminal record

2.2. Handling application with criminal record

If an applicant has a criminal record, these are the steps that CPC-Sydney follows.

Step	Action
1	The file goes through initial screening.
2	The file is sent to Team Support for review.
3	Team Support reviews the file.

2.3. If criminal record does not prohibit citizenship

If the applicant's criminal record does not prohibit citizenship, the applicant's file is processed as usual.

2.4. If criminal record appears to prohibit citizenship

If the applicant's criminal record indicates applicant may be prohibited, the file is referred to the local office for follow-up with the applicant.

Criminal record prohibits citizenship

2.5. If record prohibits citizenship

If after processing is completed, there is evidence that the applicant is prohibited, the citizenship judge conducts an oral interview with the applicant to assess the applicant against other requirements of the *Citizenship Act* (language, knowledge, residence).

These are the steps followed:

Step	Action
1	Judge non-approves application.
2	A non-approval letter is sent to the applicant by registered mail.
3	The non-approval letter gives the applicant two options: First option To re-apply when eligible. Second option To appeal to Federal Court-Trial Division.
4	A citizenship officer reviews the file to determine whether or not to refer the file to Case Management Branch for investigation under Section 29 of the <i>Citizenship Act</i> . See Section 29 investigations.

RCMP check applications

2.6. CPC-Sydney sends file to RCMP

CPC-Sydney sends all applications electronically to the RCMP.

The RCMP check each application to determine if the applicant has a criminal record.

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2.7. RCMP clear most

Usually, the RCMP do not find a criminal record.

If there is no criminal record, the RCMP sends a clearance to CPC-Sydney electronically.

2.8. If RCMP find criminal record

Individuals who are identified by the RCMP as possibly named in Canadian criminal indices will be asked to submit fingerprints for clearance purposes.

PROCEDURES

Fingerprints

2.8.1 Letter asks for fingerprints

A Citizenship officer asks an applicant for his or her fingerprints in a standard letter either sent by regular mail or handed to the applicant in person.

2.8.2 Use standard letter

Use only the standard letter developed by the Registrar to ask for an applicant's fingerprints. Do not modify the letter.

Legal Services has approved the letter, which conforms to the Cabinet Document on asking applicants for their fingerprints.

The letter is generated by CRS (ALF).

2.8.3 Include addresses for Fingerprinting

Local offices may include a list of agencies and addresses with the letter, which advises the applicant where fingerprints may be obtained.

2.8.4 Include fingerprint form with letter

Local offices may include a fingerprint form with the letter. As well, include a self-addressed envelope – not stamped – so the applicant can return the fingerprint form.

Ensure that the Name & Address of Contributing Agency/Dept. section on the fingerprint form shows the address of the citizenship office making the request.

2.8.5 Tracking requests

The applicant must return the fingerprint form within 60 days.

Citizenship offices must use CRS to track the fingerprint process. A paper tracking method may be used in addition to CRS.

2.8.6 When applicant returns fingerprint form

Make sure the applicant completed the fingerprint form properly and that it was signed by the fingerprint agency.

A Citizenship officer can add minor, missing details—such as a missing date of birth.

If the applicant does not provide most of the information requested on the fingerprint form, attach a photocopy of the application to the fingerprint form before returning it to the RCMP.

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Note: If the RCMP adds information to the photocopied application, keep the photocopy with the applicant's file.

2.8.7 Check address

Note any change of address on the applicant's file.

2.8.8 Compare signatures

Compare the applicant's signatures on the application form and the fingerprint form.

If they do not match, return the fingerprint form to the RCMP or the agency that took the prints. Ask for clarification.

If the RCMP or other agency say there is a possibility of fraud, do not continue processing. Immediately send the application to Case Management Branch with all documents for a possible Section 29 investigation.

2.8.9 Send fingerprints to RCMP

Send the fingerprint form to the RCMP. Include a stamped, self-addressed envelope.

B.F. the file to ensure that there is a follow-up if the RCMP do not reply within 90 days.

Send fingerprints, updates of RCMP conviction reports, and requests for clarification, to:

Commissioner
Royal Canadian Mounted Police
Civil Section
PO Box 8885
Ottawa ON K1G 3M8

Attention: Identification Services

2.8.10 Keep fingerprints until process completed

Do not destroy the fingerprint form until the process is completed.

Fingerprints are destroyed:

- after the ceremony if applicant is approved and oath administered
- after the letter of non-approval is sent if applicant is non-approved

2.8.11 If applicant does not provide fingerprints

If the applicant does not return the fingerprint form within 60 days, then call the applicant in for a hearing. See Chapter 13, Section 5, Abandonment.

2.8.12 RCMP responses

The following is the process for responses from the RCMP about an applicant's fingerprints.

No criminal record, or record does not affect eligibility.	Criminal record affects eligibility.
RCMP stamp this on fingerprint form. RCMP return fingerprint form to citizenship office. Citizenship office continues normal processing.	RCMP attach copy of conviction report to applicant's fingerprint form. RCMP return fingerprint form and copy of conviction report to citizenship office.

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If RCMP report conviction

2.9. Consider four years before application

You must consider all convictions, sentences, conditional sentences, probation orders, and parole terms that fall within four years before the date of application.

You must also consider convictions, sentences, probation orders, and parole terms after the date of application.

2.10. Refer to Criminal Code of Canada

To determine that the applicant's criminal record affects eligibility for citizenship, check the *Criminal Code of Canada* to determine if the Crown proceeded by indictment or summarily.

Note: When you are determining if a conviction record affects eligibility, check the in effect at the time of the applicant's conviction.

2.11. When record does not affect eligibility

If the applicant's record does not affect eligibility for citizenship, the officer clears the applicant and continues normal processing. The RCMP conviction report and the citizenship officer's assessment with initials, are placed on the file. Documentation must be attached to the Citizenship Application Review Form (CARF) when the file is referred to the judge.

2.12. When record affects eligibility

Follow these steps if the applicant's record clearly prohibits him or her from acquiring Canadian citizenship:

Step	Action
1	Request the local court record from the applicant. The record is obtained from the provincial court which decided the charges/convictions.
2	Officer reviews the record to determine if subject is in fact prohibited. If applicant is in fact not prohibited, the officer will clear the applicant in CRS and schedule for a hearing with a judge. If prohibited, the applicant is scheduled for a hearing with a judge.
3	If prohibited, Judge non-approves application.
4	Send a non-approval letter to the applicant, by registered mail. The letter indicates the reasons for non-approval and gives the applicant two options: First option To re-apply when eligible. Second option To appeal to Federal Court-Trial Division.
5	Officer reviews the file to determine whether or not to refer the case to Case Management Branch for investigation under Section 29 of the <i>Citizenship Act</i> . See Section 29 investigations

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Checking court records

2.13. Hybrid offences

Hybrid offences are offences that can be prosecuted as either indictable or summary.

If the offence is hybrid, disposition may affect eligibility for citizenship.

Ask the applicant for the court record for a hybrid offence.

2.14. Asking for court record

The applicant is responsible for obtaining the court record. Some courts charge a fee for records.

Send a letter to the applicant by regular mail, or give it to the applicant in person, asking for the court record relating to the offence.

Give the applicant 60 days to obtain the record.

2.15. If applicant does not obtain court record

If the applicant does not obtain the court record within 60 days, follow this process:

Step	Action		
1	Schedule the applicant for a hearing with a judge.		
2	The judge asks the applicant to submit the required documents within 30 days.		
3	<table border="1"><tr><td>If the applicant does not reply within 30 days, the judge makes decision based on the information on file. Judge non-approves application based on insufficient evidence to determine if person meets the requirements of the Act.</td><td>If applicant does provide judge with the local record, the judge makes the decision based on complete evidence. <i>Note:</i> local record may show applicant is not prohibited and judge may approve application.</td></tr></table>	If the applicant does not reply within 30 days, the judge makes decision based on the information on file. Judge non-approves application based on insufficient evidence to determine if person meets the requirements of the Act.	If applicant does provide judge with the local record, the judge makes the decision based on complete evidence. <i>Note:</i> local record may show applicant is not prohibited and judge may approve application.
If the applicant does not reply within 30 days, the judge makes decision based on the information on file. Judge non-approves application based on insufficient evidence to determine if person meets the requirements of the Act.	If applicant does provide judge with the local record, the judge makes the decision based on complete evidence. <i>Note:</i> local record may show applicant is not prohibited and judge may approve application.		
4	If no record was provided, or if record shows applicant is prohibited, send a non-approval letter by registered mail to the address on the application. Letter gives the reasons for the non-approval and gives the applicant two options: First option To re-apply when eligible. Second option To appeal to the Federal Court-Trial Division.		
5	Officer reviews the file to determine whether or not to refer the case to Case Management Branch for investigation under Section 29 of the <i>Citizenship Act</i> . See Section 29 investigations		

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Record alleged after clearance

2.16. Criminal record alleged after clearance

After clearances have been received and CPC-Sydney has sent the certificate package to the citizenship office, the RCMP, Immigration, or another source may say that the applicant has a criminal record.

Follow this process in these cases:

- if the applicant has written the citizenship test, score the test as usual
- ask the applicant to provide a local court record.

2.17. Court record does not affect eligibility

If the court record pertains to a conviction which does not affect the applicant's eligibility for citizenship, continue processing. Ensure the information is clear in CRS, i.e. applicant is not prohibited.

2.18. If court record does affect eligibility

If an applicant's court record does affect eligibility for citizenship, schedule the applicant for a hearing with a citizenship judge and follow this process:

Step	Action
1	Judge non-approves application.
2	Send a non-approval letter to the applicant, by registered mail. Letter gives the reasons for non-approval and gives the applicant two options: First option To re-apply when eligible. Second option To appeal.
3	Officer reviews the file to determine whether or not to refer the case to Case Management Branch for investigation under Section 29 of the <i>Citizenship Act</i> . See Section 29 investigations

2.19. Record alleged between granting and taking oath

You may learn that the applicant has a criminal record after the applicant has been granted citizenship, but before the applicant swears the oath.

In these cases, ask the applicant for his or her court record.

If the court record does not affect eligibility for citizenship, complete the application in the normal way. There is no need to update the clearances.

2.20. If record affects eligibility, or record not provided

Refer the applicant's file to Case Management Branch if:

- the local court record affects the applicant's eligibility for citizenship
- the applicant does not provide the local court record

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Do not administer the oath of citizenship unless Case Management Branch returns file indicating application is cleared. Place a file note in CRS indicating the CRS criminal clearance is not valid.

2.21. Fingerprints for second application

If:

- an applicant provided fingerprints
- the RCMP provided a conviction report
- and the applicant was non-approved and applies again
- do not ask for a second set of fingerprints.

2.22. Send conviction report to RCMP

CPC-Sydney forwards the new application with a photocopy or micro-print of the RCMP conviction report from the previous application to the citizenship office with a covering note.

If the application is not cleared in CRS by the RCMP, the citizenship office asks the RCMP to update the conviction report. The conviction report is sent to the RCMP at:

Commissioner
Royal Canadian Mounted Police
Civil Section
PO Box 8885
Ottawa ON K1G 3M8
Attention: Identification Services

The application is processed accordingly.

Young offenders

2.23. Young offenders

Criminal checks for minors are the same as checks for adults. Process applications from minors who may have a criminal record the same way as applications from adults who may have a criminal record.

If you ask for a minor's fingerprints, use the standard letter generated by CRS. Do not modify the letter.

Send the letter by regular mail to the person who applied on behalf of the minor, usually a parent or guardian, or give the letter to the parent (applicant) or minor, in person.

2.24. Special provision of the *Young Offenders Act*

The *Young Offenders Act* says that once a convicted young offender completes the sentence, the offence no longer has effect.

This means that if the minor has not completed his or her sentence when he or she applies for citizenship, the prohibitions of the *Citizenship Act* on eligibility apply.

If the young offender has completed his or her sentence before applying for citizenship, the eligibility prohibitions of the *Citizenship Act* do not apply.

2.25. Young Offenders convictions on report, record

The RCMP conviction report says 'Youth Court' in the first column to show a conviction under the *Young Offenders Act*.

A local court record should say that a conviction was under the *Young Offenders Act*.

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If the RCMP conviction report indicates the minor was tried in Youth Court under the *Criminal Code of Canada*, and not under the *Young Offenders Act*, the minor may be prohibited.

2.26. Refer questions about young offenders to Case Management Branch

Questions about dispositions, the *Young Offenders Act*, procedures to follow for prohibited minors are referred to the Case Review Unit, Case Management Branch.

2.27. Minor turns 18

When a minor applies under 5(2)(a) and turns 18 before all procedures have been completed, the applicant must file a 5(1) application, pay a new fee, and obtain new clearances. Do not transfer clearances from a 5(2)(a) application to a 5(1) application.

Follow this process for minors who submit a new 5(1) application:

- do not process the 5(1) application until you receive new clearances.
- return the 5(2)(a) application, certificate and supporting documents to CPC-Sydney with the 5(1) application. Include a memo saying that applicant has turned 18.

See [Chapter 1, Fees and refunds for minors](#)

2.28. Sample fingerprint tracking form

Sample to track fingerprint process

Applicants must return their fingerprint form within 60 days of being asked for the form.

In addition to using CRS to track the fingerprint process, citizenship offices can use their own method or this form to track the fingerprint process.

Applicant ID _____ Application # _____ CRS file # _____

Applicant's Name: _____

Date Fingerprint Letter Sent To Applicant _____

Date Fingerprint Form Returned By The Applicant _____

Date Fingerprints Sent To The RCMP _____

Date Fingerprints Returned By The RCMP _____

Date Applicant Asked To Submit Local Record _____

Date Local Record Received From The Applicant _____

Date Fingerprints Destroyed _____

3. Residence prohibition

3.1. This section is about

non-approving an application because the applicant does not appear to meet residence requirements because of residence prohibitions under the Act.

3.2. Review cases when there is doubt about residence

A Citizenship judge must review cases if there is doubt that the applicant meets the residence requirements for a grant of citizenship.

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The doubt may come from an anonymous letter or telephone call or from conflicting information found in a review of the applicant's record.

3.3. If there is doubt, do not process application

If you doubt that an applicant meets the residence requirements, do not process the application any further until a determination can be made based on information on file.

Process

3.4. Send letter to applicant

If you need more documents to prove residence or criminality, send the applicant a letter by regular mail, or give the applicant a letter in person, asking for the documents.

Give the applicant 60 days to provide the documents.

3.5. If applicant is eligible

If the applicant provides the documents you requested, and they show that he or she does meet the residence requirements, continue processing.

3.6. If documents show applicant not eligible

If the applicant provides the documents requested, and they show that the applicant is not eligible for citizenship, schedule the applicant for an oral hearing with the citizenship judge.

Follow these steps to non-approve the application:

Step	Action
1	Judge non-approves application.
2	Send a non-approval letter by registered mail to the address on the application. Letter gives the reasons for the non-approval and gives the applicant two options: First option To re-apply when eligible. Second option To appeal to the Federal Court-Trial Division.
3	Officer reviews the file to determine whether or not to refer the case to Case Management Branch for investigation under Section 29 of the <i>Citizenship Act</i> . See Section 29 investigations

3.7. If applicant does not reply

If the applicant does not provide the requested documents within 60 days, schedule the applicant for an oral hearing with the judge and follow these steps:

Step	Action
1	Schedule the applicant for a hearing with a judge.
2	The judge asks the applicant to submit the required documents within 30 days.
3	If the applicant does not reply within 30 days, the judge If applicant does provide judge with the

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	makes decision based on the information on file. Judge non-approves application based on insufficient evidence to determine if person meets the requirements of the Act.	documentation, the judge makes the decision based on complete evidence. <i>Note:</i> evidence may show applicant is not prohibited and judge may approve application.
4	If no documentation was provided, or if documentation shows applicant is prohibited, send a non-approval letter by registered mail to the address on the application. Letter gives the reasons for the non-approval and gives the applicant two options: First option To re-apply when eligible. Second option To appeal to the Federal Court-Trial Division.	
5	Officer reviews the file to determine whether or not to refer the case to Case Management Branch for investigation under Section 29 of the <i>Citizenship Act</i> . See Section 29 investigations	

Review for Section 29 investigation

3.8. Always review for possible Section 29 investigation

Always review a non-approved applicant's file to determine if there are grounds for a Section 29 investigation.

If there are grounds for a Section 29 investigation, send the applicant's file to Case Management Branch.

3.9. If no investigation needed, hold file for six months

If there are no grounds for a Section 29 investigation, keep the file at your Citizenship office for six months (appeal waiting period). See CP 8, [Appeals](#)

After six months, send the file to CPC-Sydney with a note clearly identifying the file as a non-approval and that refund is required.

CPC-Sydney will issue a refund and retire the file. See CP 1, subsection 3.7, Refunding the Right to Citizenship fee.

4. Section 29 investigations

4.1. This section is about

- reasons to ask for a Section 29 investigation
- the procedure for Section 29 investigations.

4.2. Non-approve these cases

Cases where persons are prohibited from acquiring Canadian citizenship because of a conviction or disposition (i.e., short of residence due to a period of probation or a prison term) are to be non-approved in the usual manner in accordance with the applicable section(s) of the *Citizenship Act*.

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Refer to CP 5 sections 1.9 and 1.11 when counting probation or jail times.

4.3. Review cases immediately

An officer reviews the case immediately after the non-approval. Where the officer determines an investigation under Section 29 is not warranted, the file is held at the local office for the 180 day waiting period. See CP 8, Appeals

Note: Where officer determines the case does warrant referral to Case Management Branch for investigation, the file is forwarded immediately. The policy of holding a non-approved application for 180 days does not apply in these cases, given the three year limitation to lay charges under Section 29 of the *Citizenship Act*.

A file is not referred for Section 29 investigation if the applicant admitted to prohibitions on the application form.

4.4. Refer these cases for Section 29 investigation *after* non-approving

Refer the following types of cases to Case Management Branch for review and possible referral to the RCMP for investigation under Section 29 of the *Citizenship Act*, if the applicant did not admit to prohibitions on the application form:

- within the three year period immediately preceding the date of the application, the person was convicted of at least **one indictable** offence which, according to the *Criminal Code of Canada* or other legislation (i.e., *Narcotic Control Act*), carries a **maximum** prison term of **five years or more**. (Please note that the person need not have actually been sentenced to a prison term of five years or more.)
- within the three year period immediately preceding the date of the application, the person was convicted of at least **three indictable** offences which, according to the *Criminal Code of Canada* or other legislation (i.e., *Narcotic Control Act*), do not carry a maximum prison term of five years or more (pattern of criminal activity.)
- the person has been convicted of at least **three** offences, **indictable and/or summary**, and the disposition (period of probation or prison term) for **at least one** of the convictions **will affect residence** (please note that the convictions need not fall within the relevant three year period immediately preceding the date of the application (pattern of criminal activity).)
- within the three year period immediately preceding the date of the application, the person has been convicted of **an offence under Section 29** of the *Citizenship Act*.
- applicant declared little or no absences on the application and it is determined through the Quality Assurance Program or through random audits that the person was in fact, **absent from Canada for more days than indicated on form**. *Note:* do not refer files where even once unclaimed absences are accounted for, applicant in fact, has less than a total of 100 days outside of Canada.

4.5. Refer these cases to Case Management Branch *before* non-approving

Refer cases likely to result in convictions to Case Management Branch.

Refer cases to Case Management Branch before non-approving the application when:

- the applicant may have defrauded the fingerprint process
- the applicant may have used a fraudulent landing record or identity document
- the applicant's action or lack of action outside Canada may be a war crime or a crime against humanity
- the applicant may have been involved in criminal activity outside Canada.

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4.6. If investigation a possibility

If CPC-Sydney or a Citizenship officer decides that a Section 29 investigation is needed, send the file to Case Management Branch for review.

4.7. How Case Management Branch handles file

The following table shows how Case Management Branch handles a file sent for a Section 29 investigation.

If investigation is required	If no investigation is required
Case Management Branch refers the file to the RCMP. <i>Note:</i> must refer a case to the RCMP for a Section 29 investigation within six months.	Case Management Branch returns the file to CPC-Sydney or the local Citizenship office accordingly.
RCMP investigate.	CPC-Sydney issues a refund and retires the file if file referred after non-approval.
Case Management Branch keeps the file until RCMP finish investigating. When RCMP finish investigating and all procedures are complete, Case Management Branch returns the file to CPC-Sydney.	Local office completes processing, if applicable and holds file for 180 day waiting period before sending file to CPC-Sydney for file retirement and refund.

4.8. Notes

If the file is not referred to the RCMP within six months, there is no further action and the file is returned to CPC-Sydney to issue a refund and retire the file.

If Case Management Branch must keep a file for more than six months after the non-approval letter is sent, the Case Officer is responsible for advising CPC-S that a refund is required.

5. Immigration and security

5.1. This section is about

This section is about procedures for immigration and security clearances.

This section describes the procedures for communicating information between citizenship offices and either CIC immigration or Canada Border Services Agency (CBSA) offices. See also ENF 7, section 9.4 – Communicating adverse information about a permanent resident to a Citizenship office.

5.2. Background

CIC immigration and the CBSA often have access to information which is relevant to the citizenship application. Also, citizenship offices often have criminal record information which is relevant for CIC immigration or the CBSA officers who may want to pursue enforcement action against a client. These instructions for communicating client-specific information emphasize the close links between our processes and our shared commitment to program integrity.

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Procedures for active citizenship applications

5.3. Immigration clearance exceptions

The initial electronic immigration check is done through a FOSS/GCMS interface. If there is a hit, the case is referred to the Query Response Centre (QRC) for a manual verification. In many cases, FOSS will have an NCB entry "CITALERT - HOLD PROCESSING". If follow-up action by the local citizenship office is required,, QRC will enter a case note in GCMS and change the status of the FOSS clearance to "Follow-up required". The case note will include: a short description of the problem, the immigration or the CBSA office file number, and the name of the officer entering the NCB. It is important to note that the CIC immigration or the CBSA office which is handling the investigation may not be located in the same city where the client currently resides.

The local citizenship office will then check FOSS to determine when the last update on the case took place. If there is no indication in FOSS as to when the case will be conducted, the local office should contact the local CIC immigration or the CBSA office responsible for the case; CIC immigration or the CBSA will respond within 60 days to the request for an update. If the investigation is ongoing, the file should be BF'd for six months.

If a response is not received, the query should be re-sent to the appropriate local manager, with a cc to either Admissibility Branch or the CBSA Investigations and Removals at NHQ and indicate that citizenship processing will resume in 30 days if no response is received.

If a response is received that indicates the client is clear to proceed with the citizenship process, the local office will enter the immigration clearance in GCMS and proceed with processing. If a negative response is received, the local office will continue to BF at six-month intervals, verifying on FOSS (and if necessary, with CIC immigration or the CBSA) until an indication is received that all enforcement action has been completed. All steps taken should be noted in GCMS under the case notes.

Adverse information received after the clearance is completed

These procedures also apply if information affecting the immigration clearance is received after all clearances have already been completed. If the information is received before the grant or oath of citizenship is completed, the immigration clearance should be cancelled, the processing on the citizenship application suspended until the local CIC immigration or the CBSA office advises that all enforcement action against the client has been completed.

5.4. Information relevant to citizenship processing

CIC immigration and the CBSA have been advised to indicate in FOSS when information has been received that is relevant to citizenship processing, but which does not affect the immigration clearance (for example, an interview with a port-of-entry officer indicates that the client has significant absences from Canada). This notification will be in the form of an NCB - "CITALERT - FOR INFO ONLY". QRC will ensure that this information is communicated to the local citizenship office; the local office will handle the processing of the case as required. Information should be evaluated by the local office and included on the file for consideration by the citizenship judge.

5.5. Information relevant to CIC immigration or the CBSA

Citizenship should inform CIC immigration or the CBSA when information is gathered during the citizenship process which may be of interest to them. The following information has been determined to be of interest to local CIC immigration and the CBSA offices, and could also affect the citizenship application:

- permanent resident ever convicted of an indictable offence;
- permanent resident ever given a term of imprisonment exceeding six months;

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- permanent resident who has provided personal information that differs from FOSS (for example, undocumented aliases, undocumented changes to dates of birth);
- permanent resident who does not appear to meet the residence requirement under IRPA;
- permanent resident who cannot verify that Terms and Conditions of Landing have been met (verify on FOSS).

This information should be transmitted to the appropriate office and processing on the citizenship application should be suspended for 30 days. If no response advising to hold the citizenship application for a longer time period is received from CIC immigration or the CBSA within 30 days, processing on the citizenship application should resume.

Note: CIC immigration has authority to write A44(1) reports and issue removal orders for all inadmissibilities except A34, A35 and A37 (i.e., the CBSA writes reports for security/espionage, subversion, terrorism, danger to safety or security; crimes against humanity/war crimes; and organized crime).

CSIS clearances

5.6. File referred to Case Management Branch

Any file that interests the Canadian Security and Intelligence Service (CSIS) is referred to the Manager, Case Review, Case Management Branch (CMB). When CMB receives a brief from CSIS advising that a citizenship client has been involved in activities or is a member of an organization that may render them reportable under IRPA, CMB will contact the responsible tactical CBSA Branch.

6. Correspondence suggesting fraudulent acquisition of citizenship

6.1. This section is about

This section is about letters received saying an individual has fraudulently claimed citizenship or used fraudulent or counterfeit documents to acquire citizenship.

6.2. Send letters to Case Management Branch

Send signed and anonymous letters claiming that an individual may have acquired citizenship fraudulently, or provided fraudulent information about an application, to Case Management Branch.

If the letter refers to a pending application, include the application.

6.3. Case Management Branch will investigate

Case Management Branch determines if there is enough evidence to conduct an investigation into the allegations and will advise the local office if processing may continue on a pending application.